

24.09.2021

Court No.28
Item No.26
(Allowed)

Saswata

CRM 4739 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Hili Police Station Case No. 78 of 2021 dated 04.07.2020 under Sections 21(C)/22(C)/23(C)/27A of the NDPS Act;

And

In the matter of : **Pintu Sarkar @ Mantu Sarkar**
...Petitioner

Ms. Busra Khatoon

...For the Petitioner

Mr. Saryati Datta

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili Police Station Case No. 78 of 2021 under Sections 21(C)/22(C)/23(C)/27A of the NDPS Act.

The petitioner was impleaded in connection with the above-mentioned case on the basis of the statement made by the co accused persons.

It is fairly submitted by the Learned Public Prosecutor-in-charge that except the statement of the co accused persons, no other link impleading the petitioner could be established by the Investigating Officer.

Therefore, on due consideration of the materials on record and the judgment of the Hon'ble Apex Court in the ***Union of India through Narcotics Control Bureau, Lucknow -vs- Md. Nawaz Khan (CRA 1043 of 2021) decided on 22nd September 2021***, we find that grounds enumerated in the aforesaid decision are conspicuously absent in the instant case.

Therefore, the prayer for bail of the petitioner is, thus,

considered and ***allowed***.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge, under NDPS Act, Dakshin Dinajpur subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 4739 of 2021, is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)